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Signed: Wendy A. Frick  
Wendy A. Frick

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Galloway, et al.

Serial No.: 09/747,521

Filed: December 21, 2000

For: **METHODS FOR PROTECTION  
AGAINST LETHAL INFECTION WITH  
BACILLUS ANTHRACIS**

Examiner: Shahnan-Shah, Khatol S.

Art Unit: 1645

Attorney Docket No.: 22727/04079

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2-2-02Assistant Commissioner for Patents  
Washington, D.C. 20231RESPONSE TO RESTRICTION REQUIREMENT AND  
PRELIMINARY AMENDMENT

Please amend the above-described application as follows:

IN THE CLAIMS:

Please cancel claims 1-22 without prejudice or disclaimer.

[Please amend the elected claims as follows:]

23. (Once Amended) A nucleic-acid based immunogenic composition for preparing a vaccine which protects a subject against lethal infection with *B. anthracis*, said immunogenic composition comprising a first polynucleotide which encodes a mutated lethal factor (LF) protein or immunogenic fragment of LF protein, said first polynucleotide being operably linked to a promoter which drives expression of the the mutated LF protein or immunogenic fragment of LF protein; and a pharmaceutically acceptable carrier or diluent.

24. (Once Amended) The nucleic-acid based immunogenic composition of claim 23 further